



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

**FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852**

VIA ELECTRONIC MAIL

Mr. Cliff Karlsen, Superintendent
Department of Public Works
Lemoyne Borough
501 Herman Avenue
Lemoyne, PA 17043
ckarlsen@lemoynepa.com

Re: Warning Letter: Notice of Potential Noncompliance

Dear Mr. Cliff Karlsen:

The United States Environmental Protection Agency, Region III (“EPA”) is sending this Notice of Potential Noncompliance to Lemoyne Borough in response to potential violations identified by EPA during the April 22, 2022, inspection the EPA conducted of Lemoyne Borough (“Borough”). The purpose of the inspection was to observe the Borough’s compliance with the Pennsylvania General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) which was effective on March 16, 2018, and the Borough applied for coverage with a Notice of Intent submitted to the Pennsylvania Department of Environmental Protection (PA DEP).

Section 301 of the CWA, 33 U.S.C. § 1311 prohibits the discharge of any pollutant from a point source to a water of the United States except, among other things, in compliance with an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. Section 402(a) of the Act, 33 U.S.C. § 1342(a), which provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Section 402(p) addresses discharges of stormwater from certain facilities, including discharges associated with industrial activity. The discharges are subject to specific terms and conditions as prescribed in the permit.

During the inspection, EPA identified the following potential violations of the Permit and the CWA:

1. Potential Violation 1 – Failure to Conduct Good Housekeeping - During the inspection of the Municipal Yard, the EPA Inspection Team observed piles of compost material, scrap wood, cold patch asphalt, and millings on the Municipal Yard lot. There appeared to be no observed controls in place to minimize transport or exposure to stormwater. It

appeared that cold patch asphalt had migrated from the cold patch pile to an area beyond the fence line of the yard. There was a tote containing used oil outside the garage; there was no containment observed around the tote. This is a potential violation of:

- a. **MCM 6 Best Management Practice (BMP) 2 of the General Permit** states “The written O&M program shall stress pollution prevention and good housekeeping measures, contain site-specific information, and include the following: ... Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, salt / sand (anti-skid) storage locations and snow disposal areas...”
2. Potential Violation 2 – Failure to Maintain Post Construction BMPs - At LB Smith Ford, the EPA Inspection Team observed a sink hole in the floor/bottom of the BMP, that revealed a cracked pipe. Although dry at the time of inspection, water from the BMP could potentially enter the sinkhole and pipe. This is a potential violation of:
- a. **MCM #5, BMP #3 of the General Permit** requires municipalities to “Ensure adequate O&M of all post-construction stormwater management BMPs that have been installed at development or redevelopment projects that disturb greater than or equal to one acre...”

EPA is aware that Potential Violations #1 and #2 identified above were addressed by the Borough and that the Borough has submitted EPA photographs and other documentation showing these Potential Violations were addressed.

If there were any other changes to practices or operations that have occurred in response to the inspection, please provide EPA with documentation of these actions **within 30 days of receipt of this letter**. Please email all information to:

Peter Gold (3ED32)
NPDES Section, Water Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
4 Penn Center
Philadelphia, PA 19103-2029
Gold.peter@epa.gov

This Warning Letter/Notice of Potential Noncompliance is not an agency final action, and EPA retains all rights to pursue future enforcement actions if deemed necessary. If you have any questions or concerns, please contact Peter Gold, at (215) 814-5236 or Gold.peter@epa.gov.

Sincerely,

Jessica Duffy, Acting Section Chief
NPDES Section
Enforcement and Compliance Assurance Division

Cc: Angela Weisel, EPA (weisel.angela@epa.gov)